

FCC 17-26, Reply to comments
CG Docket No. 10-51
CG Docket No. 03-123

This prompts me to recall the Watergate phrase “Follow the money” When a criminal uses VRS to openly commit a crime against a deaf person, the VRS provider gets paid from the TRS fund for those compensable minutes. When the deaf victim then uses VRS to seek assistance from law enforcement, other government agencies, and financial institutions, the VRS provider is paid yet again from the TRS fund.

Sorenson has made it clear that the FCC is fully aware that individuals are using VRS to openly commit crimes and that the FCC requires VRS interpreters to work for such criminals during VRS calls. Just last week, however, the FCC hit a robocall scammer with a \$120 million fine. I applaud the FCC for combatting fraud in that case, but why then would the FCC tolerate wire fraud in VRS and require VRS interpreters to facilitate such fraud? I appreciate Commissioner Clyburn's publicly denouncing such scam calls.

During a VRS call, the deaf individual sees the interpreter and only the interpreter. The interpreter becomes the face of the invisible audio caller. Because interpreters in the community have been used historically only for legitimate interactions, many deaf people automatically associate interpreted encounters as legitimate—for example, a diagnosis from a doctor, questions from a loan officer, instructions from a teacher, an order from a judge. In this way, a faceless stranger calling through a VRS interpreter is, to the eyes of many deaf people, automatically legitimized.

To reiterate, it has been said that the FCC is aware of VRS being used by people to blatantly commit crimes such as wire fraud and that it **obligates** VRS interpreters to interpret such calls. In its mandatory minimum standards, however, the FCC uses as qualifying language, “to the extent that it is not inconsistent with federal, state or local law regarding use of telephone company facilities for illegal purposes”. Why then does the FCC require VRS interpreters to aid and abet criminals? The Americans with Disabilities Act does not intend or endorse the violation of other laws in a blind pursuit of “functional equivalence” within TRS.

Sorenson’s comment refers to an FCC document from 2004 that quotes another FCC document from 1991. The document from 1991, however, refers to TTY Relay rather than VRS. The document was written well before VRS came into existence, and VRS is altogether different from TTY Relay. One significant

difference is that the VRS interpreter, unlike a TTY operator, can be clearly viewed by the deaf caller. A TTY operator is represented merely as words typed across a screen. During a VRS call, the deaf person sees and interacts with the interpreter—a human being. Words typed on a TTY screen are not as persuasive as information conveyed in one's own language by another human being. People are more likely to fall for scams that are presented in their own language. In addition, VRS has come about in the era of e-mail and social media, exponentially increasing a Deaf person's vulnerability to being contacted by criminals in the first place. On the contrary, it was nearly impossible in 1991 for people who were unfamiliar with the Deaf community to locate TTY numbers for deaf individuals.

As a steward of the TRS fund, the FCC is responsible for preventing fraud within the VRS industry. How can it therefore require the fund to be used to aid criminals who openly use VRS calls to commit crimes?

Commissioner O'Rielly, would it be appropriate for your employer to force you to aid and abet others in the commission of wire fraud? Chairman Pai, would you stand idly by, witnessing a criminal defraud someone and then step in to help the criminal accomplish that goal? Inexplicably, there are those who believe that it is appropriate for interpreters to be conduits for criminal acts. I urge the Commission to see this issue for what it is: laws being violated, humans being taken advantage of, and the TRS fund being exploited, all in the name of "functional equivalence".

While the majority of VRS calls are legitimate, the number of VRS calls in which crimes are being openly committed is not insignificant.

To paraphrase author Michael Specter: denial is rejecting an obvious truth for a more comfortable lie.

Respectfully,

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